

UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

In the Matter of the Search of)

(Briefly describe the property to be searched
or identify the person by name and address))A pair of black and white shoes bearing the brand
name U.S.P.A., and a black Harley Davidson
backpack with red strings)Case No. **15-MR-339** JUN 04 2015**MATTHEW J. DYKMAN**
CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

A pair of black and white shoes bearing the brand name U.S.P.A., and a black Harley Davidson backpack with red strings

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

Blood, clothing, shoes, shoe impressions, knives, guns, sharp weapons, cell phones, maps, notes, receipts, diaries, phone/address books, various forms of identification, and photographs.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

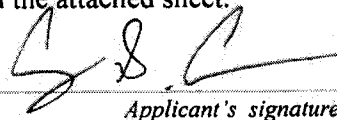
- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, USC 1111	Murder
Title 18, USC 113(a)(6)	Assault Resulting in Serious Bodily Injury
Title 18, USC 2	Aiding and Abetting
Title 18, USC 1153	Crimes Committed in Indian Country

The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

CARY S. CANNON FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: **6-4-15**

City and state: **Farmington, NM**



Judge's signature

B. Paul Briones, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AFFIDAVIT

I, Cary Cahoon, being duly sworn, hereby depose and say:

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been employed as such since 1999. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility in crimes that occur in Indian Country, including violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault. I am also responsible for investigating all other federal crimes for which the FBI investigates in the San Juan County area of New Mexico. The information set forth in this affidavit has been derived from an investigation conducted by affiant, Shiprock Criminal Investigator Jefferson Joe (Navajo Department of Criminal Investigations), and/or communicated to me by other law enforcement officers and witnesses.

2. On March 21, 2015, at approximately 3:00 a.m., John Doe was found deceased in his residence in Fruitland, New Mexico, which is located within the exterior boundaries of the Navajo Nation Indian Reservation. Autopsy results from the Office of the Medical Investigator (OMI) indicated that John Doe's cause of death was due to sharp force injuries to his head and chest, and the manner of death was homicide.

3. Additionally, John Doe's father (John Doe 2), who also lived at said residence, was seriously wounded and subsequently rushed to the San Juan Regional Medical Center, Farmington, New Mexico, and treated for a collapsed lung and multiple stab wounds.

4. A witness (Hereinafter referenced as Jane Doe) at the residence stated that three males, whom she identified as Elijah Shirley, Maynard Shirley and Michael Shirley, broke into the residence and attacked and killed John Doe and seriously wounded John Doe 2. Jane Doe knew the three men, whom she identified as brothers, because she had been in a relationship with Elijah Shirley for more than 10 years and had lived at the Shirley family home on and off during that time period. Jane Doe and Elijah Shirley broke off their relationship approximately one month before said incident. At the time they broke up, Jane Doe began seeing John Doe, who was a good friend of Elijah Shirley. Eventually, Jane Doe moved in with John Doe at his residence.

5. Another witness (Hereinafter referenced as Jane Doe 2) who was in residence at the time of the incident, observed three unknown males fighting in the hallway with John Doe and John Doe 2. As Jane Doe 2 yelled at the three unknown males to leave and began walking toward them, one of the unknown males who was holding a "banana" shaped knife or something that looked like a "machete" told her to stay back or he would stab her. John Doe 2 also had observed one of the unknown males holding a "banana" shaped knife during the incident. John Doe 2 observed one of the unknown males holding what looked like a gun. John Doe 2 described the gun as a flare gun and said the unknown male pointed it at John Doe and fired it. Jane Doe 2 also observed an unknown male holding what looked like a gun and then she heard a pop that sounded like a gunshot.

6. During the investigation at the crime scene several different fresh shoe impressions were located and photographed in the area of the wooden deck leading to the front door, as well as in the dirt area on the north and west sides of the residence. There were not any knives or guns recovered at the scene, however, there was what appeared to be a spent shotgun shell located in the hallway of the residence that was not there prior to said incident.

7. On March 21, 2015 and March 22, 2015, attempts by investigators to locate and interview the three Shirley brothers were unsuccessful. Investigators learned on March 21, 2015, that Maynard Shirley and his wife, Arnelia Williams, both of whom were living at the Shirley family home at the time, had cleaned out their room of all their belongings and left the home. Michael Shirley agreed via telephone to meet with investigators later that day (March 21, 2015), but never showed up. Attempts to contact him later were unsuccessful. On that same day (March 21, 2015), the mother of Elijah, Maynard and Michael Shirley told investigators that she did not know the whereabouts of Elijah Shirley, Maynard Shirley or Arnelia Williams.

8. On March 23, 2015, Elijah Shirley was brought to the Criminal Investigations Office, Shiprock, New Mexico, by family members and then subsequently arrested in connection with the death of John Doe and the assault of John Doe 2.

9. Around the time Elijah Shirley was arrested, investigators learned that Maynard Shirley, Michael Shirley, and Arnelia Williams were hiding out at a family member's property. The three had told family members they were hiding from law enforcement. The three arrived at the property in Maynard Shirley's white BMW, which they burned before leaving the property with another family member.

10. Pursuant to the issuance of an arrest warrant for Maynard Shirley and Michael Shirley relative to their involvement in the death of John Doe and the assault of John Doe 2, Maynard Shirley and Arnelia Williams were located and arrested on March 25, 2015, at a family member's residence in Aztec, New Mexico. At the time of their arrest, several bags and items were located inside the residence which belonged to Maynard Shirley and Arnelia Williams. The bags and items were subsequently seized and searched pursuant to an authorized oral search and seizure warrant issued by United States Magistrate Judge B. Paul Briones.

While searching the bags/items, several knives, an ax, and a white tank top t-shirt were collected as evidence.

11. On March 26, 2015, Michael Shirley was located and arrested at the apartment where his girlfriend, Jane Doe 3, and their two children were living.

12. On May 13, 2015, Jane Doe 3 was interviewed by investigators and provided the following information:

On March 21, 2015, Jane Doe 3 learned about the incident that occurred in Fruitland, New Mexico, however, she didn't learn who did it. It wasn't until March 23, 2015 that she learned the three Shirley brothers were possibly involved in John Doe's death. On March 24, 2015, Jane Doe 3 was telephonically contacted by Arnelia Williams and instructed to pick up Michael Shirley in Aztec, New Mexico. Once in Aztec, Jane Doe 3 picked up Arnelia Williams at Subway, and then picked up Michael Shirley and Maynard Shirley next door. Jane Doe 3 drove them around most of the day to various places in the Farmington area. While driving them around, Maynard Shirley had Jane Doe 3 remove the batteries from her cell phone to prevent the police from tracking their whereabouts. Maynard Shirley also had covered his cell phone with tin foil for the same reason. While driving around, Maynard Shirley told Jane Doe 3 that Elijah Shirley was the main one who killed John Doe and that he, Maynard, wasn't going to get into trouble for something Elijah wanted to do. Michael Shirley told Jane Doe 3 he had nothing to do with the incident and Maynard Shirley confirmed that Michael Shirley had nothing to do with it. Later that night, Jane Doe 3 dropped off Maynard Shirley and Arnelia Williams in Aztec, and then returned to her residence in Farmington. Michael Shirley then stayed with Jane Doe 3 at her place until the evening of March 26, 2015, when he was picked up there on the outstanding arrest warrant. Michael Shirley left his shoes and a backpack at Jane Doe 3's residence at the time of

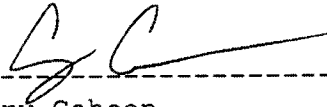
his arrest. Jane Doe 3 agreed to turn over Michael Shirley's belongings to affiant and CI Joe.

13. On May 22, 2015, Maurice Moya, an investigator for Charles Fisher (Michael Shirley's Defense Attorney), telephonically contacted affiant and informed him that Jane Doe 3 had given their office Michael Shirley's shoes and backpack and was calling to coordinate a date and time he could bring the items to the Farmington FBI Office.

14. On May 29, 2015, Maurice Moya came to the Farmington FBI Office and provided affiant Michael Shirley's belongings, which consisted of a plastic bag containing a pair of black and white shoes bearing the brand name U.S.P.A., as well as a black Harley Davidson backpack with red strings.

15. Based on the information set forth in this affidavit, your affiant submits that there is probable cause to believe that the black and white shoes bearing the brand name U.S.P.A., along with the black Harley Davidson backpack with red strings, will contain evidence associated with the offense of murder, Title 18, U.S.C., Section 1111; assault resulting in serious bodily injury, Title 18, U.S.C., Section 113(a)(6); assault with a dangerous weapon, Title 18, U.S.C., Section 113(a)(3); aiding and abetting, Title 18, U.S.C., Section 2; and crimes committed in Indian Country, Title 18, U.S.C., Section 1153. The evidence to be searched for includes, but is not limited to, blood, clothing, shoes, shoe impressions, knives, guns, sharp weapons, cell phones, maps, notes, receipts, diaries, phone/address books, various forms of identification, and photographs.

16. I swear that this information is true and correct to the best of my knowledge and belief.



Cary Cahoon
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on this 4th day of

June 2015.



B. Paul Briones
United States Magistrate Judge

